



House of Representatives

General Assembly

File No. 673

January Session, 2013

Substitute House Bill No. 6663

House of Representatives, May 1, 2013

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING COMPLAINTS ALLEGING MISCONDUCT BY LAW ENFORCEMENT AGENCY PERSONNEL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2013*) (a) Not later than July 1,
2 2014, the Police Officer Standards and Training Council shall develop
3 and implement a written policy concerning the acceptance, processing
4 and investigation of a complaint from a member of the public relating
5 to alleged misconduct committed by law enforcement agency
6 personnel.

7 (b) In developing such policy, the council shall consider: (1)
8 Whether all sworn officers and civilian employees of a law
9 enforcement agency shall be required to accept complaints alleging
10 misconduct by the agency's law enforcement personnel, (2) the means
11 or processes to be used for accepting complaints from members of the
12 public, including the acceptance of complaints that are anonymously
13 made or made by a complainant on behalf of another person, (3) the
14 necessity of requiring a sworn statement from a complainant, (4)

15 protections that may be afforded to a complainant who fears
16 retaliation associated with the filing of a complaint, (5) the use of a
17 standardized form to record any complaint of alleged misconduct, (6)
18 permissible time frames associated with the filing of a complaint, (7)
19 protocols for the investigation of complaints, (8) documentation
20 requirements relating to the receipt of any complaint and its
21 disposition, and (9) the process for informing a known complainant of
22 the disposition of the complaint.

23 (c) Upon the implementation of such policy, each law enforcement
24 agency shall make its policy available to the public and shall ensure
25 that (1) copies of the policy are available at the town hall or another
26 municipal building located within the municipality served by the law
27 enforcement agency, other than a municipal building in which the law
28 enforcement agency is located, and (2) the policy is available on the
29 law enforcement agency's Internet web site or the Internet web site of a
30 municipality served by the law enforcement agency.

31 (d) For purposes of this section, "law enforcement agency" means
32 the Division of State Police within the Department of Emergency
33 Services and Public Protection or any municipal police department.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2013	New section

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Department of Emergency Services and Public Protection	GF - Cost	See Below	See Below

Municipal Impact:

Municipalities	Effect	FY 14 \$	FY 15 \$
Various Municipalities	STATE MANDATE - Cost	See Below	See Below

Explanation

The bill requires the Police Officer Standards and Training Council (POST) to develop and implement a policy concerning complaints of alleged misconduct by law enforcement personnel. As part of the policy implementation, law enforcement agencies must make the policy publicly available in both paper and electronic formats.

Both the Department of Emergency Services and Public Protection and municipal police departments are anticipated to incur minimal costs in making the policy publicly available. Any additional costs associated with implementing the policy would depend on the details of the policy adopted by POST.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 6663*****AN ACT CONCERNING COMPLAINTS ALLEGING MISCONDUCT
BY LAW ENFORCEMENT AGENCY PERSONNEL.*****SUMMARY:**

This bill requires the Police Officer Standards and Training (POST) Council to develop and implement a written policy for the State Police and municipal law enforcement agencies (collectively, "law enforcement agencies") on accepting, processing, and investigating public complaints against them alleging misconduct. POST must develop and implement the policy by July 1, 2014. Although the bill requires POST to implement the policy it develops, it does not explicitly require law enforcement agencies to adopt the policy.

The bill specifies several factors that POST must consider in developing this policy.

Under the bill, when POST has implemented its policy, law enforcement agencies must make their own policies available to the public, including making copies available at certain municipal buildings and online.

EFFECTIVE DATE: July 1, 2013

POST POLICY FOR COMPLAINTS AGAINST POLICE

The bill requires POST, in developing the complaint policy for law enforcement agencies, to consider:

1. whether all of an agency's sworn officers and civilian employees must be required to accept complaints alleging misconduct by its law enforcement personnel;

2. the means or processes for accepting complaints from the public, including those that are anonymous or made on behalf of someone else;
3. the need to require a sworn statement from a complainant;
4. protections for a complainant who fears retaliation associated with filing a complaint;
5. a standardized form to record complaints;
6. permissible timeframes for complaint filing;
7. protocols to investigate complaints;
8. documentation requirements relating to the receipt and disposition of complaints; and
9. the process to inform a known complainant of the disposition of his or her complaint.

POSTING OF COMPLAINT POLICIES

The bill requires law enforcement agencies, after POST implements its complaint policy, to make their own policies available to the public. This includes ensuring that:

1. copies of the policy are available at the town hall or another municipal building in the municipality served by the agency, other than a building where the agency is located and
2. the policy is available on the agency's or municipality's website.

BACKGROUND

Police Officer Standards and Training Council

POST (1) trains, certifies, and establishes minimum qualifications for municipal police officers and (2) enforces professional standards for certifying and decertifying them.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 33 Nay 11 (04/12/2013)